

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|-----------------------------------|---|---------------------|
| -----X | : | |
| PELEUS INSURANCE COMPANY, | : | |
| | : | |
| Plaintiff, | : | |
| | : | 21-CV-7764 (VSB) |
| -against- | : | |
| | : | <u>ORDER</u> |
| TITAN CONSTRUCTION SERVICES, LLC, | : | |
| et al., | : | |
| Defendant. | : | |
| -----X | : | |


VERNON S. BRODERICK, United States District Judge:

I am in receipt of Plaintiff’s motion for default judgment and supporting papers. (Doc. 24.) Plaintiff filed this action on September 16, 2021, (Doc. 1), and filed an affidavit of service on November 11, 2021, (Doc. 13). The deadline for Defendant Marcos Ismael Mena Najera to respond to Plaintiff’s complaint was October 28, 2021. (*See* Doc. 13.) On December 27, 2021, I directed Plaintiff that if they intended to seek a default judgment against Defendant Marcos Ismael Mena Najera, they must do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than January 3, 2022, or risk dismissal of the case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (Doc. 19.) On January 3, 2022, Plaintiff obtained a certificate of default against Defendant Marcos Ismael Mena Najera and filed a motion for default judgment with the supporting papers. (Docs. 23–24.) However, Plaintiff did not file an order to show cause pursuant to Rule 4(H) of my Individual Rules and Practices in Civil Cases and Attachment A. Accordingly, if Plaintiff still intends to seek default judgment against Defendant Marcos Ismael Mena Najera, they are directed to file an order to show cause in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than January 18, 2022. If Plaintiff fails to do so or otherwise demonstrate that they intend to

prosecute this litigation against Defendant, I may dismiss those claims for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: January 10, 2022
New York, New York



VERNON S. BRODERICK
United States District Judge